

MATTER OF PEREZ-LOPEZ
In Deportation Proceedings

A-14859483

Decided by Board October 29, 1971

Respondent, a native and citizen of the Dominican Republic, who entered the United States for permanent residence on January 25, 1967, with a waiver of the labor certification requirement as the unmarried child of a lawful permanent resident, but who had married prior to entry, is deportable as one excludable at entry for lack of a labor certification. His contention, raised during deportation proceedings, that as a qualified electrician he would have been exempt at entry (Precertification List—Schedule C) from the labor certification requirement, is rejected since the provisions of Schedule C did not become effective until February 1, 1967. Further, even if Schedule C had been in effect at entry, he would have been required to making the necessary application for a determination of eligibility, and he made no such application then or later.

CHARGE:

Order: Act of 1952—Section 241(a) (1) [8 U.S.C. 1251(a) (1)]—Excludable at entry—no labor certification.

ON BEHALF OF RESPONDENT:
Louis A. Lebron, Esquire
1670 East 174th Street
Bronx, New York 10472

ON BEHALF OF SERVICE:
Irving A. Appleman
Appellate Trial Attorney

The special inquiry officer found the respondent deportable as charged and, in his opinion dated April 9, 1970, granted him the privilege of voluntary departure. Respondent appeals from that order. The appeal will be dismissed.

The record relates to a married male, a native and citizen of the Dominican Republic who was born May 23, 1946. The respondent was issued an immigrant visa as a special immigrant, the unmarried child of a native of the Western Hemisphere who is a lawful permanent resident, on December 15, 1966. The respondent was 20 years old and unmarried at the time. The respondent was married to a citizen of the Dominican Republic on January 19, 1967. On January 25, 1967 the respondent entered